

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 70

MEMBERS PRESENT:

Sen. Ken Baker, Chair
Sen. Mae Yih, Vice-Chair
Sen. John Lim
Sen. Marilyn Shannon
Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

HB 2486 Work Session
SB 1149 Work Session
HB 2759 Reconsideration and Work Session
HB 3422 Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

003 CHAIR BAKER: Calls the meeting to order (1:45PM).
-Announces today is the final meeting

WORK SESSION ON HB 2486

010 ADMINISTRATOR ADKINS: Reviews HB 2486-A.

030 MOTION: CHAIR BAKER MOVES HB 2486-A BE SENT TO THE FLOOR WITH A DO PASS

RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, FOUR MEMBERS PRESENT VOTE AYE; SEN. SPRINGER EXCUSED; THE MOTION CARRIES

Sen. Lim will lead discussion on the Floor.

040 CHAIR BAKER: Explains the committee will not hear SB 8 as noted on the agenda.

WORK SESSION ON SB 1149

050 CHAIR BAKER: He feels SB 1149 will be best handled in the Ways and Means process.

MOTION: CHAIR BAKER MOVES SB 1149 BE SENT TO THE COMMITTEE ON WAYS AND MEANS IN ACCORDANCE WITH ITS PRIOR REFERRAL WITHOUT RECOMMENDATION AS TO

PASSAGE

SEN. SHANNON: What is their intention?

CHAIR BAKER: The stated intention is to preserve all the current safety functions on transportation issues, and not affect weight-mile tax in any way. The Ways and Means intention would be to eliminate some FTE positions

from the transportation issues now handled by the PUC. Rep. Johnson has also filed the bill as HB 3468.

095 SEN. LIM: This bill has to do with a policy decision, and we need to decide it, not pass it on to Ways and Means.

CHAIR BAKER: If we don't send it to Ways and Means, it will die in this committee today.

-Describes background and issues discussed regarding SB 1149.

135 SEN. SHANNON: It's my understanding that the governor would like to see this studied and then make a move in six months. Could the governor still put a study group together if this bill goes forward?

CHAIR BAKER: Yes, he can.

SEN. SHANNON: Will the PUC still be there next session?

CHAIR BAKER: The PUC does not go away. Ben Wallace, ODOT, believes 70-80% of current PUC employees would be transferred across.

170 SEN. SHANNON: The bill says they can pick and choose who comes across.

CHAIR BAKER: That's correct.

SEN. SHANNON: For the governor to have a well thought out plan, does he have to veto this to put his method of study into the issue?

CHAIR BAKER: He could take what we give him and could work with that further.

SEN. SHANNON: Has ODOT made up a report of how this would work?

CHAIR BAKER: They've done a preliminary business plan of which you should have a copy.

210 SEN. SHANNON: Have we addressed the concerns of Multnomah County Police, Washington County Police, and City of Portland Police?

CHAIR BAKER: They testified primarily in opposition to the move. My opinion was they had incorrect information--because the safety elements are not going to be compromised.

SEN. SHANNON: I understand they share inspections with the county. Would that continue?

CHAIR BAKER: Yes.

-The motion I have on the table is to move the bill to Ways and Means

SEN. SHANNON: Can that be amended?

CHAIR BAKER: No.

SEN. SHANNON: I would like to make sure that rail stays with the PUC or the police--they're very concerned about it going to ODOT.

250 SEN. LIM: Supports task force to study the whole issue during the interim. So far, the PUC is doing a good job, and it's not a good time to change anything while it's working good. I am adamantly opposed to it at this time.

-There's no reason to send it to Ways and Means

CHAIR BAKER: The PUC budget is up in front of Ways and Means on Thursday.

I don't believe this committee is prepared to work on the bill at this time.

290 VOTE: IN A ROLL CALL VOTE, SENS. BAKER, SHANNON, AND YIH VOTE AYE; SENS. LIM AND SPRINGER VOTE NO; THE MOTION CARRIES

RECONSIDERATION AND WORK SESSION ON HB 2759

300 MOTION: CHAIR BAKER MOVES THE RULES BE SUSPENDED FOR FURTHER DISCUSSION AND POSSIBLE RECONSIDERATION OF THE VOTE ON HB 2759-A

VOTE: ALL MEMBERS ARE PRESENT; HEARING NO OBJECTIONS, THE RULES ARE SUSPENDED

325 MOTION: CHAIR BAKER MOVES TO FURTHER DISCUSS AND RECONSIDER THE VOTE BY WHICH HB 2759-A FAILED TO PASS

VOTE: ALL MEMBERS ARE PRESENT; HEARING NO OBJECTIONS, FURTHER DISCUSSION AND THE VOTE BY WHICH HB 2759-A FAILED TO PASS IS RECONSIDERED

ADMINISTRATOR ADKINS: Reviews HB 2759-A and HB 2759-A4 amendments to resolve conflicts [EXHIBIT A].

385 MOTION: SEN. SPRINGER MOVES TO ADOPT THE HB 2759-A4 AMENDMENTS TO RESOLVE CONFLICTS DATED 5/15/95

VOTE: ALL MEMBERS ARE PRESENT; HEARING NO OBJECTIONS, THE AMENDMENTS ARE ADOPTED

MOTION: SEN. SPRINGER MOVES HB 2759-A, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

CHAIR BAKER: Do we want to make the level of misuse the same on both bills? We can make them both a Class D traffic infraction.

ADMINISTRATOR ADKINS: Explains the fine difference between a Class C and a Class D traffic infraction.

CHAIR BAKER: I don't care either way--I just think they should be the same.

SEN. SPRINGER: I prefer keeping it a Class C.

420 MOTION: SEN. LIM MOVES TO AMEND HB 2759-A TO MAKE FAILURE TO WEAR A HELMET A CLASS D TRAFFIC INFRACTION

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, AND YIH VOTE AYE; SENS. SHANNON AND SPRINGER VOTE NO; THE AMENDMENT IS ADOPTED

440 MOTION: CHAIR BAKER MOVES HB 2759-A, AS AMENDED, BE SENT TO THE FLOOR

WITH A DO PASS RECOMMENDATION

VOTE: SENS. BAKER, LIM, AND SPRINGER VOTE AYE; SENS. SHANNON AND YIH VOTE NO; THE MOTION CARRIES

SEN. YIH: Vote explanation--I don't like mandates.

Chair Baker will lead discussion on the Floor.

TAPE 70, SIDE A

PUBLIC HEARING ON HB 3422

Witnesses: Butch Harbaugh, BikePAC of Oregon
KC Humphrey, Transportation Safety, Oregon Dept. of Transportation (ODOT)
Brian Stovall, BikePAC of Oregon

025 ADMINISTRATOR ADKINS: Reviews HB 3422-A.

040 BUTCH HARBAUGH, BIKEPAC OF OREGON: Supports HB 3422-A, and explains why it's needed; gives brief background. Submits informational material [EXHIBIT B].

085 KC HUMPHREY, TRANSPORTATION SAFETY, ODOT: Supports HB 3422-A. Submits testimony on behalf of Ed Marges, Manager, Transportation Safety, ODOT [EXHIBIT C].

095 BRIAN STOVALL, BIKEPAC OF OREGON: Supports HB 3422-A. Submits and summarizes testimony [EXHIBIT D], beginning with harassment.

170 -Laboratory standards and testing, page 2

205 -Class C versus Class D traffic infraction, page 4

220 SEN. LIM: What helmets have been confiscated?

HARBAUGH: The majority have been properly labeled and stickered.

250 CHAIR BAKER: I wasn't aware of a statute that allowed confiscation of a helmet.

HARBAUGH: We weren't aware of that either. The policing establishment has found a loophole in the law that says if they are confiscating evidence then they can take it.

SEN. YIH: How do you decide which ones are motorcycle helmets and which ones are not?

HARBAUGH: Most helmets on the market are good. Expands on USDOT testing requirements.

315 SEN. YIH: Will you be able to provide input for the standards they set up for helmets?

HARBAUGH: References copy of the Federal Motor Vehicle Safety Standard in Exhibit B.

SEN. YIH: How will USDOT decide which helmets to put a sticker on?

STOVALL: Traditionally, a manufacturer has applied to USDOT for approval.

They state in an affidavit that they've tested the helmets and they comply with the standards. Formally, the government tested about 25 helmets a year, out of 200 for sale. They tested about 160 helmets this last year,

and have put out a list of those. They've also degraded their test quite a bit.

365 HARBAUGH: The USDOT does not adequately test motorcycle helmets--they give the option to the manufacturer. If the manufacturer gives the government "X" amount of dollars, the government will give them the authority to put the USDOT sticker on their product.

SEN. YIH: Is this still existing condition?

HUMPHREY: In support of the manufacturers, a lot of them pay for extensive testing. Quite often, they present the findings from their independent testing to the federal government.

HARBAUGH: I'm not slamming all the manufacturers, I'm just saying there is a problem.

-It's important to understand the USDOT standards only require that a helmet be effective up to 13-15 mph--their standards are pretty low.

TAPE 69, SIDE B

025 SEN. LIM: What's the standards of the USDOT?

HARBAUGH: The Federal Motor Vehicle Safety Standard 218.

SEN. LIM: How many motorcycle helmets are made to these standards?

STOVALL: Last year's testing showed about a 5-6% failure rate. Before that, when they used the full testing regiment, the failure rate was about 30-35%, a lot of which was labeling.

SEN. LIM: Do we have any ODOT standards?

HARBAUGH: Oregon adopted the Federal Motor Vehicle Safety Standard.

-The Federal Highway Reauthorization Act says if you don't have a mandatory helmet law or a mandatory seat belt law, then you lose federal monies. Actually, the money isn't lost at all, it's re-directed back into highway safety.

065 SEN. YIH: Do the ATV helmets have anything to do with federal safety money?

ADMINISTRATOR ADKINS: The ATV users groups said they do buy USDOT approved helmets. No, it doesn't affect funding.

CHAIR BAKER: Points out the Oregon State Police does not oppose the bill.

WORK SESSION ON HB 3422

090 MOTION: CHAIR BAKER MOVES HB 3422-A BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, SHANNON, AND YIH VOTE AYE; SEN. SPRINGER EXCUSED; THE MOTION CARRIES

Sen. Baker will lead discussion on the Floor.

115 CHAIR BAKER: Adjourns the meeting (2:47PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - HB 2759-A4 Amendments -- Staff -- 2 pages
- B - Informational Material on HB 3422 -- Butch Harbaugh -- 83 pages
- C - Testimony on HB 3422 -- KC Humphrey (on behalf of Ed Marges) -- 1 page
- D - Testimony on HB 3422 -- Brian Stovall -- 4 pages
- E - Testimony on HB 2759 -- Bob Greenstreet -- 1 page
- F - Letter of support re HB 2759 -- Norvel Arbogast -- 1 page